

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17-cv-61-GCM
(3:12-cr-239-GCM-DCK-24)

DENETRIA MYLES,)	
)	
Petitioner,)	
)	
vs.)	ORDER
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
)	

THIS MATTER is before the Court on Petitioner's Motion under 28, United States Code, Section 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody, (Doc. No. 1), Petitioner's Motion for Order to Show Cause why Movant is not Entitled to Section 2255 Relief, (Doc. No. 2), and Petitioner's *pro se* Motion to Expedite, (Doc. No. 3).

The Court has conducted an initial screening of the petition under the Rules Governing § 2255 Proceedings, and finds: (1) the petition has been signed by counsel on Petitioner's behalf; (2) Petitioner has provided indicia that the petition was timely filed; and (3) Petitioner has asserted a colorable claim for relief cognizable under § 2255(a). See Rules Governing § 2255 Proceedings in the U.S. District Courts, Rules 2(b)(5), 4(b); 28 U.S.C. § 2255(f). Upon consideration of the motion and the record of prior proceedings, the Court determines that the United States Attorney should file a response to Petitioner's allegations. Id. The Motion for Order to Show Cause, (Doc. No. 2), is therefore granted and the Court will direct that the United States file an Answer or other responsive pleading to the Section 2255 motion to vacate within sixty (60) days.

The *pro se* Motion to Expedite, (Doc. No. 3), is signed by Petitioner yet she is

represented by counsel. This pleading therefore violates Federal Rule of Civil Procedure 11(a) and it is denied without prejudice for Petitioner to re-submit the motion with counsel's signature.

IT IS, THEREFORE, ORDERED that

1. The Motion for Order to Show Cause, (Doc. No. 2), is **GRANTED** and the United States Attorney shall file an Answer or other responsive pleading to Petitioner's Motion to Vacate, Set Aside, or Correct Sentence, detailing and responding to Petitioner's allegations no later than sixty (60) days from the date of this Order.
2. The *pro se* Motion to Expedite, (Doc. No. 3), is **DENIED** without prejudice.

Signed: September 18, 2017



Graham C. Mullen
United States District Judge

